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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CASE NO. 04-10006-WGY

MICHAEL RODIO)
)
Plaintiff)
)
v.)
)
R.J. REYNOLDS TOBACCO COMPANY)
)
Defendant)
_____)

PLAINTIFF'S RESPONSE TO DEFENDANT'S
REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents that are identified in, substantiate, contradict, or relate to any answer by Plaintiff to Defendant's First Set of Interrogatories, or any allegation contained in the complaint in this action.

RESPONSE. All relevant documents in possession of the plaintiff are also in the possession of the defendant and were all of them in fact generated by the defendant. Plaintiff will provide to defendant copies of these documents as listed in Plaintiff's Initial Disclosures to the defendant and as outlined in Defendant's counsel's letter to plaintiff's counsel dated March 17, 2004.

2. All documents as previously identified herein, which evidence, relate to, or support plaintiff's claims for damages.

RESPONSE. See response to Request #1 above.

3. Copies of all written statements, affidavits, audio recordings, video recordings, drawings, photographs, or any other writing or document obtained by plaintiff or anyone acting on behalf of plaintiff which evidence, are related to, or form the basis for any allegation in the complaint.

RESPONSE. See response to Request #1 above.

4. A copy of the current curriculum vitae for each expert witness plaintiff may call to testify at trial.

SAHADY ASSOCIATES, P.C.
COUNSELLORS at LAW

399 NORTH MAIN STREET

WILMINGTON, MASSACHUSETTS 02720

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RESPONSE. An expert has not to this date been retained. Plaintiff will supplement this request seasonably prior to trial should an expert be retained by the plaintiff.

5. Any documents, including but not limited to, notes, diaries, journals, calendars, e-mails or other electronic, communications, or letters, which in any way reference defendant, plaintiff's employment with defendant, or any co-employees, supervisors, or managers employed with defendant, or customers of defendant.

RESPONSE. Enclosed is a copy of the following:

- a. Letter of Mr. Gary Loeser dated January 4, 2003;
 - b. Letter of Mr. Rolf Wittern dated December 2002;
 - c. Letter of Mr. Gary A. McKenna dated January 18, 2002;
 - d. Letter of Mr. Arthur P. Scott dated January 4, 2003;
 - e. Letter of Mr. Steve Sormanti dated December 21, 2002;
 - f. Letter of Mr. Lawrence J. Goldstein ;
 - g. Letter of Mr. Gary A. Michael of Leonard's Package Store.
6. All medical records and documents related to consultation, examination and/or treatment by any medical provider, as previously defined herein, received or sought by the plaintiff, identified in answer to Interrogatory No. 8, including but not limited to office notes, medical reports, physicians' statements, x-rays, psychological evaluations and testing data, psychiatric evaluations and testing data, any type of diagnostic testing and interpretation, charts, consultation records, disability ratings data, functional capacity evaluations and data, and correspondence. For all records of documentation not in the custody and/or control of the plaintiff, please provide an authorization for release of such records directed to each appropriate medical provider.

RESPONSE. Enclosed is a copy of note from Dr. Patrick R. McSweeney dated November 29, 2001, together with other medical records from Dr. McSweeney from 11/28/01 to 11/21/03. Also enclosed are office notes from Dr. Hoffman from dated 12/20/01.

7. Complete medical bills, actual statements, estimated statements and any other records which evidence all medical expenses which the plaintiff has incurred and/or may incur, and for which the plaintiff will claim to recover as damages in this action.

RESPONSE. Enclosed are copies of the following medical bills:

- a. Bills from Milford Regional Hospital for services from 11/28/01 to 11/6/03 in the total amount of \$3,310.26;
 - b. Bill from Tri-County Medical Associates from 11/28/01 to 11/21/03 in the total amount of \$392.00.
8. Records of all civil lawsuits, arbitrations and administrative proceedings in which the plaintiff has been a party or claimant (other than the present case).

RESPONSE. Enclosed is a copy of records and Decision by the Massachusetts Division of Employment and Training dated January 31, 2003

9. Records related to any criminal charges and proceedings in which the plaintiff has been issued a citation, summons, complaint, and/or arrest warrant.

RESPONSE. None.

10. Evidence of any and all income obtained by the plaintiff in 2002, 2003, and 2004, including but not limited to, bank statements, paycheck stubs, and receipts.

RESPONSE. Enclosed is a copy of W-2 Forms for the years 1999, 2000, 2001, 2002, and 2003.

11. A true and complete copy of plaintiff's federal and state tax returns, including all attachments, schedules, and related forms for 1999, 2000, 2001, 2002, and 2003, once they are prepared.

RESPONSE. None in plaintiff's possession other than the W-2 Forms enclosed.

12. All documents related to or referencing any application for payment of disability benefits by the Social Security Administration or by any private insurance provider.

RESPONSE. None.

By his attorney,

SAHADY ASSOCIATES, P.C.

Michael S. Sahady
399 North Main Street
Fall River, MA 02720
(508) 674-9444

Dated: April 23, 2004

CERTIFICATE OF SERVICE

I, the undersigned, attorney for the plaintiff hereby certify under the penalties of perjury, that I have this day served Plaintiff's Answers to Defendant's Interrogatories and Plaintiff's Response to Defendant's Request for Production of Documents on defendant's counsels. Said service was made by mailing, postage prepaid, a copy of same to:

W.R. Loftis, Jr., Esquire
Constangy, Brooks & Smith, LLC
100 N. Cherry Street, Suite 300
Winston-Salem, NC 27101

Mark H. Burak, Esquire
Morse, Barnes-Brown & Pendleton, P.C.
Reservoir Place
1601 Trapelo Road
Waltham, MA 02451

Michael S. Sahady
373 North Main Street
Fall River, MA 02720
508-674-9444

Dated: April 26, 2004

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